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PATENT
Customer No. 22,852
Attorney Docket No. 03495.0199-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Pierre CHARNEAU et al.) Group Art Unit: 1648
Serial No.: 10/602,663) Examiner: HUMPHREY, Louise Wang
Filed: June 25, 2003) Zhiying
For: USE OF TRIPLEX STRUCTURE) Confirmation No.: 8007
DNA IN TRANSFERRING)
NUCLEOTIDE SEQUENCES)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated January 23, 2006, the Examiner required restriction under 35 U.S.C. § 121 between the following groups of claims:

- I. Claims 41-51, drawn to a recombinant vector, comprising a polynucleotide comprising a cis-acting central initiation region (cPPT) and a cis-acting termination region (CTS), wherein the cPPT and CTS are of retroviral-like origin and derived from a retrotransposon;
 - a defined nucleotide sequence (transgene or sequence of interest); and
 - regulatory signals for reverse transcription, expression, and packaging, wherein said regulatory signals are of retroviral or retroviral-like origin, classified in class 435, subclass 91.4.
 - II. Claims 52 and 53, drawn to a method of ex vivo transfection or transduction of a recombinant vector into non-mitotic differentiated cells or primary cells or immortalized cell lines, classified in class 435, subclass 471.

- III. Claims 54, 55, 58, drawn to a polynucleotide, classified in class 536, subclass 23.1.
- IV. Claims 56 and 57, drawn to a method of in vivo transduction of a recombinant vector or polynucleotide and injection of the recombinant vector or polynucleotide into a tissue, classified in class 435, subclass 475.
- V. Claims 59-61, drawn to a recombinant retroviral vector particle, classified in class 435, subclass 91.41.

Applicants provisionally elect to prosecute Group I, claims 41-51, **with traverse**.

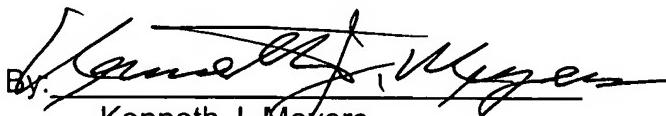
M.P.E.P. § 803 states: "If the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants submit that the search and examination of Groups I-V would not require a serious burden. Thus, Applicants request reconsideration and withdrawal of the restriction requirement.

In the event that the Examiner maintains the restriction requirement, Applicants request that the Examiner rejoin Group II (claims 52 and 53) and Group IV (claims 56 and 57), directed to methods, upon allowance of claim 41, of Group I, from which claims 52, 53, 56, and 57 depend.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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By: 
Kenneth J. Meyers
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Dated: February 22, 2006